

REMARKS.

In the outstanding Office Action, claims 1-12 were pending and claims 13-15 were withdrawn. By this amendment, claims 1 and 4-11 are amended, and claims 2, 3 and 12-15 are cancelled. Claims 1-12 were rejected under 35 USC 112 as unclear for using the words “like” and “related”. By the amendment, in the remaining pending claims, the word “related” was deleted and “sheet-like barrier” was changed to “barrier sheet”. It is believed that these amendments overcome the examiners 35 USC 112 rejection.

In the outstanding Office Action, claims 1 and 8-10 were rejected under 35 USC 102 as being anticipated by Lehmacher, and under 35 USC 103 (a) as unpatentable over Lehmacher in view of Saad, et al. In both rejections, the examiner states that “Lehmacher discloses a separation structure built into the first and second sheets so that the pouch separates into at least two portions” (emphasis added). Applicant does NOT agree that this feature, as used in Applicant’s invention, is shown or even suggested by Lehmacher.

More specifically, upon examination of Lehmacher’s Fig. 1 and Col 6, lines 13-23, it is clear that the pads P comprise a “hanger portion H”, and a “bag portion B”, separable from the hanger portion by a line of “perforations L”. Thus, Lehmacher discloses a way of “manufacturing” a bag, but not of manufacturing a separable pouch/container.

That is, it is Lehmacher’s “bag portion B”, which corresponds to Applicant’s claimed “pouch” element, since it is both Lehmacher’s “bag portion B” and Applicant’s “pouch” which provide the function of holding an item therein. Since the “hanger portion H never functions to hold anything therein, it can not be considered a “bag” or “pouch for containing items therein”, as specifically recited in Applicants’ claim 1. To help clarify this important aspect of the invention, the word “package” has been changed to “pouch” in the pre-amble of each of the remaining claims 1 and 4-11.

Additionally, the location of the separation structure in the pouch of claim 1 has been amended to recited a more specific location, that is, a position “between said opposed ends of the pouch”.

Thus, in Lehmacher, the separation line L, separates the bag portion B from the hanger portion L. The bag portion B is exactly the same size and shape after separation as it was before separation. Consequently, separation line L does NOT "separate the pouch (or bag) into at least two portions, as required by Applicant's only independent claim, Claim 1.

Accordingly, Lehmacher can not be relied upon to show this feature of Applicants' claim 1. Therefore, it is Applicants' belief that both of the 35 USC 102 rejection of claims 1 & 8-10 and the 35 USC 103 rejection of claims 2-7 & 11-12, which both rely on this alleged teaching by Lehmacher, can not stand.


However, in order to quickly and more surely move this application to allowance, Applicant has also amended claim 1 to include the features of claims 2 and 3.

Thus, amended claim 1 now requires that the pouch include additional barrier sheet members positioned inside, thereby creating separation zones inside the pouch, and that the additional barrier sheet members are connected to at least one of said ends of the pouch, so that when the ends of said pouch are separated, the additional barrier sheet members remain connected with said at least one end of the pouch, thereby removing the separate zones between the food items inside the pouch.

It is noted that even though Saad shows additional barrier sheets for creating separation zones inside of a pouch, those sheets are NOT connected to one end of the pouch so that **"when the ends of said pouch are separated, the additional barrier sheet members remain connected with the one of the end of pouch, thereby removing the separate zones between the food items inside the pouch"**. This is feature is a key feature of amended claim 1, and is NOT shown or even suggested by Saad, alone or in combination with Lehmacher. Accordingly, amended claims 1 and 4-11 should now be found allowable.

If any issues remain, the examiner is invited to call the undersigned at 732-771-3775.

Respectfully submitted,


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